

## REMARKS

This Amendment is submitted in response to the Final Office Action dated April 22, 2004. In the Office Action, Claims 1-10 and 12-24 are rejected. Applicants respectfully submit that the rejections have been overcome or are improper and therefore should be withdrawn for at least the reasons set forth below.

The Patent Office rejected Claims 1-10 and 12-24 under 35 U.S.C. 112, first paragraph, as containing subject matter not sufficiently described in the Specification. Applicants disagree with the rejection and submit this alternative embodiment may be claimed. Regardless, Applicants have amended Claims 1, 18 and 21 to further clarify the present invention. Applicants do not intend to disclaim any subject matter in view of the Amendments. Applicants respectfully submit that these rejections should now be withdrawn.

Claims 1, 2, 4-8, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.K. Patent No. 2,331,976 A to Davidson et al. ("*Davidson*") in view of U.S. Patent No. 5,887,749 to Schommer et al. ("*Schommer*") and U.S. Patent No. 6,379,727 to Addy ("*Addy*"). Applicants respectfully submit that these obviousness rejections have been overcome or are not proper and should be withdrawn for at least the reasons set forth below.

*Davidson* alone, or in combination with *Schommer* and *Addy*, neither teaches nor suggests all of the elements of the claimed invention as required to establish a *prima facie* case of obviousness.

Independent Claim 1 has been amended to further clarify that the container includes a lid constructed and arranged so that the removal of the lid from a single housing causes at least portions of a second pet food disposed within the housing and separated from a first pet food by a divider to contact the first pet food upon rupture of the divider when the lid is removed from the housing. No new subject matter has been added by this amendment, and the amendment finds support in the Specification at, for example, page 15, lines 22-26.

Independent Claim 13 has been amended to further clarify that the container for serving pet food to a pet includes at least two different types of pet food maintained within in a bowl and separated by at least one package. The package is adapted to tear open upon removal of a lid that seals to the bowl causing at least a portion of the pet foods to mix. No new subject matter has been added by this amendment, and the amendment finds support in the Specification at, for example, page 18, lines 21-23.

*Davidson* alone, or in combination with *Schommer* and *Addy*, fails to disclose a lid constructed and arranged so that the removal of the lid causes at least portions of a second pet food separated from a first pet food by a divider to contact each other upon rupture of the divider when the lid is removed from a housing as required in Claim 1 of the claimed invention. Furthermore, *Davidson* alone, or in combination with *Schommer* and *Addy*, fails to disclose a container including at least two different types of pet food separated by at least one package adapted to be torn open upon removal of a lid that seals to the bowl as required in Claim 13 of the claimed invention.

*Davidson* discloses a container with a lid having an inner compartment permanently fixed to, or integral with, the lid of the container and not the container itself. The inner compartment of the lid is only releasably fixed or sealed to the inside of the base of the container. *Davidson*, page 6, lines 5-7 and Abstract. *Davidson* discloses that, upon opening the lid, the frangible connection between the inner compartment of the lid and the inside of the base of the container is broken to release the contents of the inner component into the container. Moreover, the inner compartment remains intact throughout the opening of the lid and mixing of the food products. The inner compartment is not ruptured or torn when the seal between the inner compartment and the inside of the base of the container is broken upon opening the lid. Therefore, *Davidson* remains deficient as to teaching or suggesting a lid that causes at least portions of foods separated by a divider to contact each other upon rupture of the divider when the lid is removed, or a package containing a food adapted to be torn open upon removal of a lid.

The Patent Office admits that *Davidson* fails to disclose packaging pet food in the container disclosed in *Davidson* and relies on *Schommer* or *Addy* to cure the deficiency of *Davidson*. *Schommer* or *Addy*, however, fail to cure the deficiency of *Davidson*. Specifically, *Schommer* fails to disclose a lid constructed and arranged so that the removal of the lid causes at least portions of a second pet food separated from a first pet food by a divider to contact each other upon rupture of the divider when the lid is removed from a housing. Furthermore, *Schommer* or *Addy* fail to disclose a container including at least two different types of pet food separated by at least one package adapted to be torn open upon removal of a lid that seals to the bowl.

*Schommer* discloses a food holder that is formed to hold separately packaged pet food that can be manually dispensed into the same or separate compartments of the food holder when feeding a pet. For instance, wet pet food is contained in a can separate from the food holder. A compartment in the food holder is formed to hold the can of wet pet food. To feed a pet, the lid of the food holder is removed, the can of wet pet food is manually removed from the food holder, the lid of the can is manually removed to manually extract the wet pet food from the can into one of the compartments of the food holder. See *Schommer*, col. 6, lines 5-19. Therefore, *Schommer* fails to teach or suggest automatic rupturing of a divider separating pet foods to allow at least portions of pet foods to contact each other when a lid removably attached to a housing of a container is removed. Furthermore, *Schommer* fails to teach or suggest automatic tearing of a package containing a pet food adapted to be torn open upon removal of a lid. Therefore, like *Davidson*, *Schommer* is deficient as to the claimed invention.

*Addy* simply discloses flavoring a base pet food with a liquid or wet flavor mixture. The Patent Office relies on *Addy* only to support its assertion that it is known to add a separately packaged wet pet food to a dry pet food.

Therefore, *Davidson* alone, or in combination with *Schommer* and *Addy*, neither teaches nor suggests all of the elements of the claimed invention as required to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully submit that the rejections have been overcome in light of the amendment to Claims 1 and 13, and Claims 1, 2, 4-8, and 13-17 are, therefore, patently distinct over the combination of *Davidson* with *Schommer* and *Addy* and are allowable.

Claims 18-20 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schommer* in view of *Davidson*. Applicants respectfully submit that *Schommer* alone, or in combination with *Davidson*, neither teaches nor suggests all of the elements of the claimed invention.

Independent Claim 18 has been amended to clarify that the method for manufacturing a pet food container includes producing a single container including a removable lid that automatically places at least a portion of first and second pet foods into contact upon rupture of a rupturable divider separating the first and second pet foods when the lid is removed.

Independent Claim 21 has been amended to clarify that the method for providing a pet food includes providing a single container including a removable lid that causes at least portions

of a second pet food disposed in a frangible package separate from a first pet food to contact the first pet food upon breaking of the frangible package when the lid is removed.

As discussed above, neither *Schommer* nor *Davidson* teach or suggest a method for manufacturing a pet food container which includes producing a container having a lid constructed and arranged so that the removal of the lid causes at least portions of a second pet food separated from a first pet food by a rupturable divider to contact each other upon rupture of the divider when the lid is removed from a housing. Furthermore, neither *Schommer* nor *Davidson* teach or suggest a method for providing a pet food which includes providing a container including at least two different types of pet food separated by at least one package adapted to be torn open upon removal of a lid that seals to the bowl. Accordingly, Applicants respectfully submit that the rejections have been overcome in light of the amendment to Claims 18 and 21, and Claims 18-20 and 21-24 are, therefore, patently distinct over the combination of *Schommer* with *Davidson* and are allowable.

Claims 7, 10 and 19 have been amended to further clarify the claimed invention and are not amended for reasons of patentability.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett  
Reg. No. 30,142  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (312) 807-4204

Dated: July 21, 2004